

**REMARKS**

Applicants have carefully reviewed and considered the Examiner's Office Action dated November 24, 2006. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, claims 1 and 27 are amended to recite that the curvature of the fluidized bed separates a flow of used transport air from the fiber material as disclosed in paragraphs [0007] and [0089] of the originally-filed specification. Accordingly, claims 1, 3-13 and 27-28 are pending in the present application.

Claims 1, 3-7, 11-13, and 27-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,834,869 to Ancelle *et al.* (hereinafter referred to as "Ancelle") for the reasons set forth in the paragraphs spanning pages 2-4 of the Action. In addition, claim 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ancelle, as described in the paragraphs on page 4 of the Action. Finally, claim 1 was rejected as being unpatentable over Ancelle as explained at the top of page 5 of the Action. As stated above, independent claim 1 is amended and to the extent Ancelle may be used, these rejections are respectfully traversed.

It is well established patent law that during examination the claims are interpreted as broadly as their terms allow. However, this interpretation must be reasonable and "consistent with the one that those skilled in the art would reach". See *In re Cortright*, 49 USPQ2d 1464, 165 F.3d 1353 (Fed. Cir. 1999). Moreover, this interpretation is the "broadest reasonable construction 'in light of the specification as it would be interpreted by one of ordinary skill in the art.'" *In re Am. Academ. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004) and MPEP 2111. That is, examiners should not

read the claims as broad as possible separate from the filed specification as set forth on page 5, 4<sup>th</sup>-5<sup>th</sup> lines from the bottom, of the Action. Instead, the broadest reasonable interpretation must be consistent with the interpretation reached by one of ordinary skill in the art, as well as consistent with the specification.

Ancelle is directed to a method and apparatus for improved dispersion of fibres or particles into a liquid suspension. All embodiments of the method and apparatus disclosed by Ancelle provide a wetting bath 39, or wetting baths 50, 51, or a liquid bath 70 or 87 for the fibres deposited on a moving cloth or screen. Ancelle discloses the manufacture by a wet process of non-woven webs. The recited method of claim 1 is for producing a nonwoven fiber composite for the manufacture of filters in the tobacco industry, which includes 1) feeding separated fiber materials to a fluidized bed; 2) introducing a transport air through the fluidized bed to transport the fiber material to a suction conveyor located above the fluidized bed; and 3) compiling the fiber material on the suction conveyor to produce a nonwoven fiber composite wherein the fluidized bed comprises **a curved portion to separate used transport air from the fiber material**, and the fiber material (separated from the used transport air flow) is directed in an upward direction to the suction conveyor.

The Examiner points to a general explanation of what Ancelle achieves and suggests that this broad disclosure meets the specific features of compiling as recited in claim 1. Figure 3 of Ancelle is described as receiving fibres from a gaseous stream and maintaining the fibres on a moving cloth or screen with suction boxes 36, 37. The fibres and suction boxes are then immersed in a liquid wetting bath 39. According to Ancelle, the fibrous mat is imprisoned between the moving cloth and the perforated cylinder 38

and then the wet fibres are emptied into a storage bin 41. See column 3, lines 57-67 of Ancelle. There is no disclosure in Ancelle of compiling fiber material on a suction conveyor to produce a nonwoven fiber composite, and a curved fluidized bed that separates used transport air from the fiber material as claimed. Consequently, Ancelle cannot anticipate the claimed invention as it fails to disclose each and every feature of the invention as set forth in independent claim 1.

With respect to the features of dependent claim 13, it is unclear how the Examiner believes that a “continuous fiber filter rod” is formed from the compiled fibers as Figures 1-8 of Ancelle show dispersed fibres and there is no disclosure of a “continuous fiber filter rod” in Ancelle. Since there is no “continuous fiber filter rod” in Ancelle, it is unclear how the method of claim 13 which recites dividing the rod into filter sections is disclosed. Dependent claim 13 recites features for the manufacture of filters in the tobacco industry, which are not disclosed, taught or suggested by Ancelle’s method and apparatus for improved dispersion of fibres or particles into a liquid suspension.

Dependent claim 27 recites that the transport air initially moves the separated fiber material downward toward the curved fluidized bed. Ancelle simply discloses a fan that moves the fibres across conduit or upwards toward the curved portion of the conduit or so-called fluidized bed. As described in paragraph [0089] of the present application and recited in claim 27, the transport air moves above the separated fiber material as the separated fiber material moves along the curved fluidized bed upward toward the suction conveyor thereby separating the fiber material from the transport air.

To the contrary, Ancelle discloses a method where the air continues with the fibres, even when the fibres move along the curved portion of the conduit, until the fibres

reach the suction boxes of Figure 3. That is, the suction boxes of Figure 3 separate the air from the fibres. There is no disclosure of separating the air from the fibres via a curved conduit in Ancelle. Thus, Ancelle fails to meet this feature of dependent claim 27. Consequently, Ancelle cannot anticipate claims 1, 3-7, 11-13, 27 and 28 of the present application because it fails to meet each and every feature of independent claim 1, as well as recited features of depending claims 13 and 27. Accordingly, withdrawal of the anticipation rejection is respectfully requested.

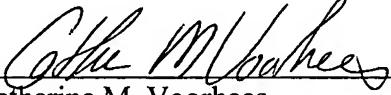
Claims 8-10 are at least patentable for the reasons given above as they depend directly or indirectly from independent claim 1. It is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify Ancelle to locate the suction boxes above the fluidized bed so that the separated fibers must travel in an upward direction to reach the suction conveyor, as Ancelle teaches fibres moving in a downward direction at the suction conveyor, which is beside the conduit carrying the fibres at a lower elevation. That is, Ancelle teaches away from the present invention. Consequently, one of ordinary skill in the art would not have considered modifying Ancelle to achieve the claimed invention, nor would one of ordinary skill in the art consider Ancelle as rendering the claim invention unpatentable. Withdrawal of the rejection of claims 8-10 under 35 U.S.C. §103 (a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that independent claim 1 and dependent claims 3-13, 27 and 28 are allowable over the prior art of record. Reconsideration of the application and an issuance of a Notice of Allowance are earnestly solicited.

If the Examiner is of the opinion that the prosecution of the application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,

Date: February 21, 2007

  
\_\_\_\_\_  
Catherine M. Voorhees  
Registration No. 33,074  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax : (202) 344-8300

CMV/elw  
::ODMA\PCDOCS\DC2DOCS\829674\1